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HIGH COURT OF CHHATTISGARH BILASPUR

CRIMINAL APPEAL NO. 580 OF 2001

DIVISION BENCH **HON'BLE SHRI L.C. BHADOO, & HON'BLE SHRI DHIRENDRA MISHRA, JJ**

APPELLANT Krishna

Versus

RESPONDENT : State of Chhattisgarh.

JUDGMENT FOR CONSIDERATION

Sd/-
Dhirendra Mishra
Judge
13/7/2007

HON'BLE SHRI L.C. BHADOO, J

Sd/-
L.C. BHADOO
Judge
/7/2007

POST ON 16th JULY 2007

Sd/-
DHIRENDRA MISHRA
Judge
13/7/2007

(34)

HIGH COURT OF CHHATTISGARH BILASPUR

CRIMINAL APPEAL NO. 580 OF 2001

DIVISION BENCH — **HON'BLE SHRI L.C. BHADOO, &**
HON'BLE SHRI DHIRENDRA MISHRA, JJ

APPELLANT — Krishna
Son of Pardeshi alias Laxmi Narayan,
aged about 19 years,
R/o Nayapara (Dhawaihapara)
P.S. Pali, Distt. Korba (C.G.)

Versus

RESPONDENT : State of Chhattisgarh,
through S.H.O. - Pali, Distt. Korba.

Present

Mr. C.K. Kesharwani, counsel for the accused/appellant.
Mr. D.K. Gwalre, Additional Public Prosecutor for the State/respondent.

J U D G M E N T
(16th July 2007)

Per Dhirendra Mishra, J

The appellant has preferred this appeal against the judgment dated 29th June 2001 passed in Sessions Trial No.257/2000, whereby the learned Sessions Judge, Bilaspur after holding the accused/appellant guilty of causing homicidal death of Santoshi Bai, has convicted him under Section 302 of the IPC and sentenced him to undergo imprisonment for life.

2. Briefly stated case of the prosecution is that husband of the deceased Ramkhilawan (PW-1) lodged First Information Report (Ex.P/9) in Police Station Pali, Distt. Korba at about 12.00 noon on 1.5.2000 mentioning therein that he and Santoshi Bai were married two years before the date of incident and 15 days before the incident he had taken Santoshi after *Gouna.* On 23.4.2000 he along with his wife Santoshi had gone to Navapara (Dhawaihapara). On 30.4.2000 his wife Santoshi complained of stomach-ache in the morning, then his mother-in-law told Santoshi that she is going along with Ramkhilawan to forest for bringing rope and after returning from forest they shall call the doctor and both of them proceeded to forest. His sister-in-law Nini went to the marriage function, his wife Santoshi remained alone in the home. They returned from forest at 3.00 p.m. and he asked his wife to give him soap for washing the

clothes whereupon his wife asked his mother-in-law to bring soap and his mother-in-law brought soap and thereafter, he went to the pond to wash clothes. He returned at 8.00 p.m. from the pond, at that time Santoshi was taking her dinner, he also joined her with his mother-in-law. However, Santoshi stood up and started vomiting. They called the neighbourers. Rajkumar, Budhram, Jugutram and others came there and in their presence Santoshi was asked as to how she was vomiting, then Santoshi informed that Krishna has administered medicine from a container saying that it is a medicine for stomach-ache and after keeping the container in a plastic polythene he has placed the same inside kitchen of the house. His mother-in-law also informed him that Krishna had come to the house at about 7.00 in the evening and entered the kitchen and thereafter went from there immediately. By that time other villagers had also reached there and asked his mother-in-law to see as to what Krishna has placed inside the kitchen. His mother-in-law went inside and saw that there was a container of democron pesticide in the polythene and some medicine was still remaining. His sister-in-law informed that Krishna had come at 12.00 noon and he was massaging the legs of his sister with his legs. Krishna had deliberately administered democron pesticide to her sister saying that it is a medicine for stomach-ache and has committed her murder. Krishna was called in the night itself and his wife told in presence of all about administration of medicine to her and thereafter, she became unconscious and died at about 2.00 in the night.

3. After registering the offence spot map of Ex.P/10 was prepared. Inquest over the dead body of deceased Santoshi was prepared vide Ex.P/3 after due notice to the witnesses in their presence. The bottle was seized from Devkunwar vide Ex.P/2. Dead body was sent for postmortem to Community Health Centre, Pali vide Ex.P/7 where Dr. Pradeep Agrawal (PW-7) and Dr. S.S. Paikra conducted postmortem and submitted their report of Ex.P/7-A. Vomitus of Santoshi Bai and plain soil were taken into possession vide Ex.P/13. Three sealed jars containing pieces of lung, liver, heart, kidney, pieces of stomach and sample of liquid sent by Community Health Center, Pali were taken into possession vide Ex.P/17. The seized articles i.e. three jars, vomitus, plain soil and bottle of democron were sent for chemical analysis to Forensic Science Laboratory, Sagar vide Ex.P/15 and the

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F.S.L. report is Ex.P/16. After completing investigation charge sheet was filed in the Court of Judicial Magistrate First Class, Katghora who in turn committed the case to the Court of Sessions Judge, Bilaspur.

4. Learned Sessions Judge framed charge under Section 302 of the IPC. The appellant abjured his guilt. The prosecution in order to establish the charge against the accused examined 10 witnesses. Thereafter, statement of the accused was recorded under Section 313 of the Cr.P.C. in which he denied the circumstances appearing against him in the prosecution case and pleaded innocence and false implication. However, learned Sessions judge after hearing counsel for the parties, convicted and sentenced the accused/appellant as mentioned in paragraph 1 of this judgment.

5. Learned counsel for the appellant submits that no motive is attributed to the appellant for committing the offence. The poison alleged to have been administered to the deceased was seized from Devkunwar, mother of the deceased and there is no evidence that the appellant administered poison to the deceased. Witnesses Ramkhilawan, Devkunwar and Basanti @ Nini are husband, mother and sister of the deceased, there are glaring contradictions in their versions regarding oral dying declaration of Santoshi. The independent witnesses do not support the versions of these three witnesses though their presence is admitted by the prosecution.

6. On the other hand, learned counsel for the State/respondent supported the impugned judgment and submitted that name of the accused/appellant has been mentioned in the promptly lodged FIR and from the report of F.S.L. it is established that the deceased died as a result of poisoning i.e. organophosphorus pesticide phasphamidon (democron). Deceased Santoshi Bai has stated before the witnesses that the accused administered poison and the learned trial Court on the basis of reliable evidence available on record has rightly convicted and sentenced the accused for the above offence.

7. We have heard learned counsel for the respective parties and perused the material available on record.

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8. Dr. Pradeep Agrawal (PW-7) has proved the postmortem report of Ex.P/7-A. The postmortem was performed on 2nd May 2000 around 9.00 a.m. In the postmortem report the doctors have observed that mouth was partly open, tongue was inside, both eyes were closed, rigor mortis were present, postmortem blisters were present over chest and face, bloody froth was coming out of nostrils, face was swollen, abdomen was distended, the whole body was bluish, the finger nails were bluish, postmortem stains over the back and body were present, fickle matter was coming out from the anus, no any external injury was found on her person. However, the doctors were not able to opine the cause of death and they preserved the viscera for chemical examination. In the F.S.L. report presence of organophosphorus pesticide phasphamidon (democron) has been confirmed in the seized viscera, vomitus of deceased Santoshi and liquid in the democron container. Thus, from the F.S.L. report of Ex.P/16 death of Santoshi Bai due to consumption of poison is established.

9. Ramkhilawan (PW-1), the complainant has reiterated the version given by him in the FIR. The sum and substance of the evidence of this witness is that he returned from forest with his mother-in-law at 5.00 p.m., at that time Santoshi was complaining stomach-ache. By the time he returned from the pond after taking bath, his wife had already taken her meal and after some time she started vomiting. On being asked she informed that Krishna had come and administered some medicine for stomach-ache. After some time Santoshi died. Santoshi informed that Krishna came with the medicine in a container and after administering her medicine, he placed the container in the house of Devkunwar. In cross-examination, he has stated that when he went to the forest his sister-in-law Nini was at home with Santoshi, Nini informed that Krishna came to their home and had massaged the hand and leg of Santoshi. However, she did not tell anything about administration of medicine by Krishna to Santoshi. Santoshi was aunt of accused Krishna. On the day his wife Santoshi died, his mother-in-law did not tell him anything. She did not tell him on the date of incident that Krishna had come and left from there after some time. He has further denied the suggestion that he suspected illicit relationship between accused Krishna and deceased Santoshi, therefore he has implicated the

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appellant in a false case. When he returned from the forest, Nini @ Basanti was at home.

10. Devkunwar (PW-2), mother of the deceased, has also stated that on the date of incident she along with her son-in-law had gone to forest for collection of firewood, at that time Santoshi complained of stomach-ache, however, she has stated that when she went to forest Nini had gone to the venue of marriage. They returned from forest in the evening. Thereafter, she went to shop to fetch soap and returned immediately. On her return, her daughter expressed desire of having chicken. Thereafter, Krishna came to her house and asked for water, at the time Santoshi was sleeping in the courtyard. Krishna asked Santoshi whether she got rid of stomach-ache or not, to which Santoshi replied that she has stomach-ache, whereupon Krishna advised "aunty if your stomach is aching, take medicine". However, she did not see who was keeping the medicine and who gave medicine to Santoshi Bai as she was sitting inside the home and from there she heard the conversation. Thereafter, her daughter said that she is feeling hungry and asked for rice. When she came out of the house, she saw a container in Krishna's hand which he threw inside her house. She and Santhoshi took rice and after some time Santoshi complained that she is not feeling well. On being asked, she told that Krishna has administered some medicine from the container, at that time Krishna was not there. She went to look for Krishna in the village and found him sleeping in his home. Krishna denied administering any medicine to Santoshi. She brought Krishna and her father to their home and asked Santoshi in presence of Krishna and Santoshi repeated her allegations. Santoshi also abused Krishna for administering medicine. However, after some time Krishna fled from there. She called the persons from vicinity and told them about the condition of Santoshi. Santoshi also informed the villagers about Krishna administering her medicine. Santoshi died in the night. She has stated that after return from the forest her daughter Nini did not tell her anything, however, she further stated that Nini told her that Krishna came to their house and was massaging the legs of Santoshi Bai. In the cross-examination she has stated that the medicine container was seized from her house. Santram had taken the container to his house, however, when police came, Santram handed over the container to the police. On the

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demand of Santoshi she had given her rice, chicken and as soon as she ate, she started vomiting.

11. PW-3 Basanti Bai @ Nini, sister of the deceased, has stated that Santoshi and Ramkhilawan had gone to their home in connection with marriage function, she recognized Krishna, she had gone to the marriage venue. Krishna came to her house, when she returned she saw Krishna sitting in the home and he was massaging the legs of Santoshi. Thereafter, she again returned to the marriage venue. When she returned, Santoshi complained that she was not feeling well and told that Krishna had given her medicine, at that time Krishna was not present and at that time Rakkhilawan and her mother had gone to Deorbhata. Santoshi told her about Krishna administering her medicine and Santoshi died in the same night. In cross-examination she has stated that she saw Krishna massaging Santoshi Bai in the evening and thereafter, Krishna did not return. She has further stated that one advocate had tutored her as to what statement she was to give in the Court.

12. Independent witnesses Pyar Singh (PW-4), Rohan Singh Raj (PW-5), Santram (PW-6) and Rajkumar (PW-8) have not supported the prosecution case and they were declared hostile and cross-examined by the prosecution.

13. The Hon'ble Supreme Court in the matter of **Sharad Birdhichand Sarda Vs. State of Maharashtra** reported in **(1984) 4 SCC 116** while considering murder by poison or suicide has held in paragraph 165 of the judgment thus:-

> "So far as this matter is concerned, in such cases the court must carefully scan the evidence and determine the four important circumstances which alone can justify a conviction:
>
> (1) there is a clear motive for an accused to administer poison to the deceased,
>
> (2) that the deceased died of poison said to have been administered,
>
> (3) that the accused had the poison in his possession,

(4) that he had an opportunity to administer the poison to the deceased.

14. In the matter of **Bhupinder Singh Vs. State of Punjab** reported in **(1988) 3 SCC 513** the Hon'ble Apex Court has doubted the availability of the above third circumstance as necessary to establish the case of murder by poisoning. Paragraphs 25 & 26 of the above judgment are reproduced hereunder:

> "25. We do not consider that there should be acquittal or the failure of the prosecution to prove the possession of poison with the accused. Murder by poison is invariably committed under the cover and cloak of secrecy. Nobody will administer poison to another in the presence of others. The person who administers poison to another in secrecy will not keep a portion of it for the investigating officer to come and collect it. The person who commits such murder would naturally take care to eliminate and destroy the evidence against him. In such cases, it would be impossible for the prosecution to prove possession of poison with the accused. The prosecution may, however, establish other circumstances consistent only with the hypothesis of the guilt of the accused. The court then would not be justified in acquitting the accused on the ground that the prosecution has failed to prove possession of the poison with the accused.
>
> 26. The poison murder cases are not to be put outside the rule of circumstantial evidence. There may be obvious very many facts and circumstances out of which the court may be justified in drawing permissible inference that the accused was in possession of the poison in question. There may be very many facts and circumstances proved against the accused which may call for tacit assumption of the factum of possession of poison with the accused. The insistence on proof of possession of poison with the accused invariably in every case is neither desirable nor practicable. It would mean to introduce an extraneous ingredient to the offence of

murder by poisoning. We cannot, therefore, accept the contention urged by the learned counsel for the appellant. The accused in a case of murder by poisoning cannot have a better chance of being exempted from sanctions than in other kinds of murders. Murder by poisoning is run like any other murder. In cases where dependence is wholly on circumstantial evidence, and direct evidence not being available, the court can legitimately draw from the circumstances an inference on any matter one way or the other.

15. We propose to examine the oral evidence adduced by the prosecution in the light of principles of law laid down by the Hon'ble Supreme Court in the matter of Sharad Birdhichand Sarda (supra) and Bhupinder Singh (supra) to ascertain whether in the present case the four important circumstances have been established or not?

(I) Whether there is a clear motive for the accused to administer poison to the deceased ?

16. From the evidence available on record the prosecution has not been able to establish that the accused had any motive to commit murder of Santoshi Bai by administering her poison. Though suggestions have been made to the witnesses in their cross-examinations that the accused had some illicit relationship with the deceased, however, the witnesses have either denied the suggestion or expressed ignorance about any such relationship. On the contrary, there is evidence that the deceased was aunty (mother's sister) of the accused, they had cordial relationship. Even on the date of incident in the afternoon the accused was massaging the legs of the deceased without any objection by her. Complainant Ramkhilawan (PW-1) has stated that he was married to the deceased two years before the incident and *Gouna* had taken place after one year of the marriage. There is no evidence on record that after marriage relationship between the accused and the deceased became bitter, on the contrary, there is evidence that even after marriage the accused visited house of the deceased and they had cordial relationship. Even if it is assumed that the accused had any relationship with the deceased, the same cannot be a motive for the

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accused to cause death of Santoshi as there was no dispute or altercation between the two in this regard and therefore, in our opinion present one is not a case in which it can be held that the accused had any motive to administer poison to the deceased. Thus, from the evidence available on record, we are of the considered opinion that the prosecution has failed to prove that the accused had any motive to administer poison to the deceased with an intention to cause her death.

(II) Whether the deceased died of poison said to have been administered?

17. So far as this circumstances is concerned, on the basis of report of the F.S.L. we have already held that the deceased died because of organophosphorus pesticide phasphamidon (democron) poison.

(III) Whether the accused had the poison in his possession?

18. The container of the poison democron has been seized from Devkunwar vide seizure memo of Ex.P/2 on 1.5.2000 at about 15.45 hours. PW-2 Devkunwar in paragraph 2 of her statement has stated that after she returned from the shop Krishna came to her home, he enquired from Santoshi about her stomach-ach and advised to take medicine. She did not see who was keeping the medicine and she also did not see as to who gave her medicine as she only heard their talks. Her daughter asked for meals, when she came out she saw Krishna holding a container which he threw inside her house. In cross-examination she has stated that Santram took the container of medicine to his house and handed over the same to police. However, she stated that she could not identify the container. On the other hand, Ramkhilawan has lodged the FIR in which it is mentioned that his mother-in-law informed that Krishna came to their house at 7.00 p.m., entered in the kitchen and left immediately. There is no mention that Devkunwar informed that Krishna was holding any container which he threw inside her house or that the container was taken by Santram and the same was produced by Santram before the police. Even the alleged conversation between the deceased and Krishna is not mentioned.

In the matter of Bhupinder Singh (supra), the necessity of establishing the third circumstance i.e. the accused had the poison in his possession, has been doubted. It has been held that there may be very many facts and circumstances proved against the accused which may call for tacit assumption of the factum of possession of poison with the accused. The insistence on proof of possession of poison with the accused invariably in every case is neither desirable nor practicable. However, in the present case we do not find any abnormality in the conduct of the accused as from the evidence available on record, the witnesses have stated that immediately after the incident when they went to the house of the accused, they found him sleeping in his house and on being asked he immediately came to their house. Had the accused administered any poison to the deceased then he would not have thrown the same in the house of Devkunwar and that too, in full view of Devkunwar, therefore, we are of the considered opinion that the prosecution has not been able to establish even the third circumstance by adducing reliable and cogent evidence that the appellant was in possession of the poison before the same was given to the deceased and subsequent thereto.

(IV) <u>Whether the accused had an opportunity to administer the poison to the deceased?</u>

19. Now coming to the fourth circumstance, the prosecution has tried to establish this circumstance on the basis of statements of Ramkhilawan, Devkunwar and Basanti Bai @ Nini. The prosecution has also examined independent witnesses Pyar Singh (PW-4), Rohan Singh Raj (PW-5), Santram (PW-6) and Rajkumar (PW-8). However, they have not supported the prosecution case and they have been cross-examined by the prosecution after being declared hostile. These witnesses have been examined by the prosecution to establish this fact that deceased Santoshi Bai allegedly made statement before these witnesses that the accused/appellant administered poison on the pretext of medicine for stomach-ache, we are, therefore, called upon to examine the evidence of PW-1 Ramkhilawan, PW-2 Devkunwar and PW-3 Basanti Bai @ Nini to find out whether the Court below was justified in relying upon their testimony and believing the statement alleged to have been made by Santoshi while she was suffering under the influence of poison.

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20. The Hon'bel Supreme Court in the matter of **Heikrujam Chaoba Singh Vs. State of Manipur** reported in **1999 (4) Crimes 327 (SC)**, while considering the reliability of an oral dying declaration has held thus:

> "An oral dying declaration no doubt can form the basis of conviction, though the Courts seek for corroboration as a rule of prudence. But before the said declaration can be acted upon, the Court must be satisfied about the truthfulness of the same and that the said declaration was made by the deceased while he was in a fit condition to make the statement. The dying declaration has to be taken as a whole and the witness who deposes about such oral declaration to him must pass the scrutiny of reliability.

21. We have substantially reproduced the statements of Ramkhilawan, Devkunwar and Basanti Bai @ Nini on whose statements the trial Court has based the conviction of the appellant. However, their versions do not inspire our confidence because of the following reasons:

(i) that complainant Ramkhilawan has stated that when he returned after taking his bath Santoshi told him that Krishna has given medicine for stomach-ache and only after some time she died. She told that Krishna brought the medicine in a container and after giving the medicine from that container he placed it in the house of Devkunwar whereas in the FIR he has stated that he returned at 8.00 p.m. after washing his clothes and at that time Santoshi was taking her meal, he along with his mother-in-law also joined her. Whereas Devkunwar has stated that she along with Ramkhilawan returned from forest in the evening and thereafter, she went to fetch soap and immediately returned. After that Krishna came to her house and asked Santoshi about her stomach-ache and suggested her to take medicine, she

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heard this from inside and when her daughter said that she was hungry, she came out and saw Krishna holding a container which he threw inside her house. Thereafter, she dined rice with her daughter Santoshi. After some time Santoshi complained uneasiness and on enquiry she told that Krishna had administered some medicine from the container. This witness does not mention about the presence of Ramkhilawan at the time of dinner and at the time when Santoshi started vomiting. There is also discrepancy in the statements of these two witnesses that after Santoshi consumed medicine, Devkunwar called Krishna to her house and Santoshi abused Krishna as to what medicine he has administered, whereupon Krishna fled from there. Whereas this fact is not stated by Ramkhilawan. On the contrary, Ramkhilawan has categorically stated that on the date of incident her mother-in-law did not tell him anything, she also did not tell him that Krishna came there and after some time went away.

(ii) That in the FIR it is mentioned that his mother-in-law told that Krishna had come at about 7.00 p.m., entered in the kitchen and went from there immediately, however, the fact that her mother-in-law heard Krishna advising Santoshi to take medicine and further that she saw Krishna holding a container of pesticide which he placed inside the kitchen is missing. PW-3 Basanti @ Nini has given entirely a different story about time of the incident. She has stated that she had gone to Laripara, the venue of marriage. When she returned from there she saw Krishna sitting in the home and he was massaging Santoshi's leg. Thereafter, she returned to marriage venue and when again came back to home from there, Santoshi complained that she is not feeling well

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and she told her that Krishna had given her some medicine. At that time her brother-in-law Ramkhilawan and mother Devkunwar had gone to Deor Bhata (forest) to procure *dori* (rope). She has stated that when Devkunwar returned in the evening, at that time she was in home and only after Devkunwar returned, Santoshi told about Krishna administering medicine. Thus, from the close scrutiny of the statements of these witnesses, we find that their statements are contradictory, in material particulars and the same do not inspire confidence.

(iii) That in the FIR the complainant has stated that when Santoshi started vomiting they called the neighbourers whereupon Rajkumar, Budhram, Jugutram came there and all of them asked Santoshi as to how she was vomiting, then Santoshi told that Krishna had administered medicine from a container and thereafter, Devkunwar on being asked by the villagers brought the container from inside, however, independent witnesses Budhram and Jugutram have not been examined. Rajkumar has been examined as PW-8, however, he has not supported the case of prosecution. The other independent witness Pyar Singh (PW-4) has stated that Devkunwar came to call him whereupon he went with her and saw Santoshi lying unconscious. He has categorically denied about seeing any container or about presence of Krishna. Similar is the statement of Rohan Singh Raj (PW-5) who has also stated that Ramkhilawan called him and when he reached there, he saw Santoshi lying unconscious. PW-6 Santram has also stated that Devkunwar called him and when he reached there he saw that Santoshi was unconscious and Devkunwar did not tell anything to him as to how Santoshi became unconscious and she did not show any container

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as well. In the cross-examination of these witnesses the prosecution has not been able to elicit any circumstance which connects the accused with the crime in question.

(iv) Apart from the inconsistency present in the statements of Ramkhilawan, Devkunwar and Nini, we also consider this highly improbable that the accused would administer poison on the pretext of medicine to the deceased particularly when Devkunwar was present in the close vicinity and was able to hear their talks.

22. Therefore, looking to the inconsistency present in the statements of Ramkhilawan (PW-1), Devkunwar (PW-2) & Basanti Bai @ Nini (PW-3), as detailed above, and further considering the fact that independent witnesses Budhram and Jugutram, in whose presence deceased Santoshi alleged to have made statement as per F.I.R., have not been examined and other independent witnesses who have been examined have categorically stated that the deceased did not make any statement before them as she was unconscious when they reached there, it was not safe to rely upon the alleged oral dying declaration and conviction cannot be sustained in the absence of any other corroborative evidence.

23. For the foregoing reasons, we are of the considered opinion that the fourth circumstance that the accused had an opportunity to administer poison to Santoshi Bai is also missing. We have already observed that there was absolutely no apparent reason for the appellant to administer poison to the deceased as there is evidence that the appellant had intimate relationship with her.

24. The Hon'ble Supreme Court in the matter of **Jaipal Vs. State of Haryana** reported in **(2003) 1 SCC 169** has referred to the judgment of Sharad Birdhichand Sarda (supra) with approval and in paragraph 33 of the judgment it has been held thus:

> **33.** Dealing with a case of circumstantial evidence the court has to be circumspect. A note of caution was sounded by a Constitution Bench of this Court in

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Raghav Prapanna Tripathi v. State of U.P. quoting (at AIR p. 89, para 60) from *R. v. Hodge*:

> "The mind was apt to take a pleasure in adapting circumstances to one another, and even in straining them in little, if need be, to force them to form parts of one connected whole; and the more ingenious the mind of the individual the more likely was it, considering such matter, to overreach and mislead itself, to supply some little link that is wanting, to take for granted some fact consistent with its previous theories and necessary to render them complete."

25. We are unhesitatingly of the opinion that the prosecution has utterly failed in proving such chain of circumstantial evidence as would fasten the guilt on the accused leaving no room for doubt. The appeal is allowed. The conviction of the accused under Section 302 of the IPC and the sentence passed thereon by the trial Court, are set aside. The accused/appellant is acquitted. He shall be released forthwith if not required to be detained in any other offence.

Sd/-
L.C. BHADOO
Judge

Sd/-
DHIRENDRA MISHRA
Judge